

EXHIBIT 1

From: [Sheng, Philip T.](#)
To: [Henrik Parker](#)
Cc: [oceansemi-dlf](#); [Timothy Devlin](#); [dpw.tsmc.ocean](#)
Subject: RE: Ocean Semiconductor Cases in W.D. Tex. (Nos. 20-cv-01210 through 20-cv-01216) and in E.D. Tex. (No. 4:20-cv-991-ALM)
Date: Wednesday, January 5, 2022 1:09:02 PM
Attachments: [image005.png](#)
[image006.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

Hi Rik,

We take no position as to whether the parties' agreement has any bearing on Ocean's deadlines other than that it is a reasonable schedule for TSMC Ltd. to respond to Ocean's subpoenas. The parties are otherwise in agreement with respect to the eight subpoenas directed to TSMC Ltd. and the eight subpoenas directed to TSMC NA.

Best,
Phil

From: Henrik Parker <hparker@devlinlawfirm.com>
Sent: Monday, January 3, 2022 5:20 PM
To: Sheng, Philip T. <philip.sheng@davispolk.com>
Cc: oceansemi-dlf <oceansemi-dlf@devlinlawfirm.com>; Timothy Devlin <tdevlin@devlinlawfirm.com>; dpw.tsmc.ocean <dpw.tsmc.ocean@davispolk.com>
Subject: RE: Ocean Semiconductor Cases in W.D. Tex. (Nos. 20-cv-01210 through 20-cv-01216) and in E.D. Tex. (No. 4:20-cv-991-ALM)

Phil:

My email below inadvertently spoke in the singular when it should have used the plural. Just to be clear, Ocean believes that the agreement applies across all eight captioned actions such that DPW has accepted service of eight TSMC Ltd. subpoenas and Ocean withdraws all eight of the subpoenas directed to TSMC N.A.

Thanks.

Rik



Henrik Parker

1526 Gilpin Ave, Wilmington, DE 19806

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From: Henrik Parker

Sent: Monday, January 3, 2022 6:07 PM

To: Sheng, Philip T. <philip.sheng@davispolk.com>

Cc: oceansemi-dlf <oceansemi-dlf@devlinlawfirm.com>; Timothy Devlin <tdevlin@devlinlawfirm.com>; dpw.tsmc.ocean <dpw.tsmc.ocean@davispolk.com>

Subject: RE: Ocean Semiconductor Cases in W.D. Tex. (Nos. 20-cv-01210 through 20-cv-01216) and in E.D. Tex. (No. 4:20-cv-991-ALM)

Phil:

Thank you for your email, and Happy New Year to you as well.

Ocean believes that your most recent email and proposal should allow Ocean to approach the Court for leave to provide updated/final infringement contentions in our various actions at a reasonable date after having received TSMC's documents and taken the TSMC deposition. Thus, Ocean accepts your proposal.

Based on our agreement, it is Ocean's understanding that your firm has accepted service of the TSMC Ltd. subpoena and Ocean agrees to withdraw (without prejudice) the subpoena directed to TSMC NA.

Best regards.

Rik



Henrik Parker

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From: Sheng, Philip T. <philip.sheng@davispolk.com>

Sent: Monday, January 3, 2022 9:52 AM

To: Henrik Parker <hparker@devlinlawfirm.com>

Cc: oceansemi-dlf <oceansemi-dlf@devlinlawfirm.com>; Timothy Devlin <tdevlin@devlinlawfirm.com>; dpw.tsmc.ocean <dpw.tsmc.ocean@davispolk.com>

Subject: RE: Ocean Semiconductor Cases in W.D. Tex. (Nos. 20-cv-01210 through 20-cv-01216) and in E.D. Tex. (No. 4:20-cv-991-ALM)

Hi Rik,

Thank you for your email, and happy new year. There are many reasons that make compliance with Ocean's subpoenas on the current schedule, or even by the end of January, extremely difficult. Responding to numerous separate and broad document requests and 11 deposition topics across several subpoenas takes time even under the best of circumstances. The fact that TSMC_Ltd. was only made aware of the subpoenas during the holidays, and that certain employees have been and will be unavailable during the upcoming shutdown for Chinese New Year only further complicates matters, as does the ongoing COVID-19 pandemic.

That said, as our communications have made clear, TSMC Ltd. is willing to work with Ocean on agreeing to a reasonable schedule, taking into consideration TSMC Ltd.'s status as a third-party, foreign entity. Below is a counterproposal that accepts Ocean's dates for written objections and initial production. In the spirit of compromise, TSMC Ltd. is willing to move up the dates for substantial completion and deposition by one week.

1. DPW agrees to accept service on behalf of TSMC Ltd.
2. TSMC Ltd. will provide written objections by 1/18.
3. TSMC Ltd. agrees to make a good faith, initial production between 1/18 and 1/25 followed by a rolling production that will be substantially complete by 3/8.
4. TSMC Ltd. agrees to provide a corporate witness for deposition on, or before, 3/18 subject to any objections.
5. While we continue to believe that any agreement with respect to TSMC NA should not depend on the parties reaching an agreement with respect to TSMC Ltd., we represent that TSMC NA does not have any responsive documents that would be non-duplicative of any responsive documents produced by TSMC Ltd. and thus, Ocean will withdraw the TSMC NA subpoena without prejudice.

Please confirm that the return dates in the subpoenas to TSMC NA will continue to be extended while the parties near an agreement.

Best,
Phil

From: Henrik Parker <hparker@devlinlawfirm.com>

Sent: Wednesday, December 29, 2021 5:28 PM

To: Sheng, Philip T. <philip.sheng@davispolk.com>

Cc: oceansemi-dlf <oceansemi-dlf@devlinlawfirm.com>; Timothy Devlin <tdevlin@devlinlawfirm.com>; dpw.tsmc.ocean <dpw.tsmc.ocean@davispolk.com>

Subject: RE: Ocean Semiconductor Cases in W.D. Tex. (Nos. 20-cv-01210 through 20-cv-01216) and in E.D. Tex. (No. 4:20-cv-991-ALM)

Phil:

Ocean appreciates TSMC's efforts, but continues to believe that its offer of December 23 (set out below) is fair and reasonable. Nevertheless, in an effort to move forward, Ocean has a further proposal.

As we have previously discussed, one of Ocean's principal concerns is that the WDTX actions have a Scheduling Order deadline of February 2, 2022, for Final Infringement Contentions, and Ocean will likely need to seek leave of the Court in order to file updated contentions at any date thereafter. As a means to facilitate the Court granting such leave, can you please detail the reasons why TSMC cannot meet its subpoena obligations prior to the end of January? To the extent that TSMC has valid reasons, that will go a long way to easing the whole situation.

On the assumption that TSMC will provide Ocean with the reasons discussed above, Ocean proposes the following middle ground version of a proposed schedule:

1. DPW accepts service on behalf of TSMC Ltd.
2. TSMC Ltd. will provide any written objections by 1/18.
3. TSMC Ltd. agrees to make a good faith, initial production between 1/18 and 1/25 followed by a rolling production that will be completed no later than 2/21. This is more than two months from when TSMC had full notice of the subpoena.
4. TSMC Ltd. agrees to provide a corporate witness for deposition on, or before, 2/28.
5. Provided that a representation is made that TSMC NA does not have any responsive documents that would be non-duplicative of any responsive documents produced by TSMC Ltd., Ocean will withdraw the TSMC NA subpoena without prejudice.

Please let us know if this is acceptable.

Best regards,

Rik



Henrik Parker

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From: Sheng, Philip T. <philip.sheng@davispolk.com>

Sent: Thursday, December 23, 2021 10:31 PM

To: Alex Chan <achan@devlinlawfirm.com>; Henrik Parker <hparker@devlinlawfirm.com>

Cc: oceansemi-dlf <oceansemi-dlf@devlinlawfirm.com>; Timothy Devlin

<tdevlin@devlinlawfirm.com>; dpw.tsmc.ocean <dpw.tsmc.ocean@davispolk.com>

Subject: RE: Ocean Semiconductor Cases in W.D. Tex. (Nos. 20-cv-01210 through 20-cv-01216) and in E.D. Tex. (No. 4:20-cv-991-ALM)

Hi Alex,

Thank you for your email. TSMC Ltd.'s offer to have DPW accept service means Ocean will receive discovery much sooner than if it were to serve through official international channels. Accordingly, we believe it is in Ocean's interest to reach an agreement here, keeping in mind that TSMC Ltd. is a non-party, foreign entity that is entitled to have adequate time to respond to the subpoena. Here is the schedule we can agree to, which is more than generous, should TSMC Ltd. consent for DPW to accept service:

1. TSMC Ltd. will provide written objections by 1/21.
2. TSMC Ltd. agrees to make a good faith, initial production between 1/21 and 1/28 followed by a rolling production, but cannot agree to tying its production to a particular percentage, as it has no way to gauge how many documents will represent, for example, 25% of its total production.
3. TSMC Ltd. agrees to a substantially complete production by 3/15. Given TSMC Ltd.'s status as a third party, agreeing to substantially complete its document productions so far in advance of the close of discovery is eminently reasonable.
4. TSMC Ltd. agrees to provide a corporate witness for deposition, subject to our objections, on or before 3/25.

We see no reason why the subpoena against TSMC NA should be tied to an agreement as to TSMC Ltd. I think we can all agree that the noticed date of 12/29/21—9 days after service on TSMC NA and in between Christmas and New Years when TSMC NA's offices are closed—is completely unreasonable and would not be enforced by the Court. Indeed, we heard Ocean has already provided more time to respond to its subpoenas for other third parties. For the reasons I explained on the phone, Ocean should withdraw the subpoena against TSMC NA so as to not waste everyone's time and resources. TSMC NA does not manufacture chips and does not have any connection with the accused tools/tool vendors. We are willing to represent that TSMC NA does not have any responsive documents that would be non-duplicative of any responsive documents produced by TSMC Ltd., and Ocean's withdrawal of the subpoena can be without prejudice. If Ocean does not agree to withdraw the subpoena by Monday, December 27, or at least continue the compliance date far past the 12/29/21 noticed date, we will seek relief from the Court.

Look forward to hearing from you on these issues.

Best,
Phil

From: Alex Chan <achan@devlinlawfirm.com>

Sent: Thursday, December 23, 2021 12:17 PM

To: Sheng, Philip T. <philip.sheng@davispolk.com>; Henrik Parker <hparker@devlinlawfirm.com>

Cc: oceansemi-dlf <oceansemi-dlf@devlinlawfirm.com>; Timothy Devlin

<tdevlin@devlinlawfirm.com>; dpw.tsmc.ocean <dpw.tsmc.ocean@davispolk.com>

Subject: Re: Ocean Semiconductor Cases in W.D. Tex. (Nos. 20-cv-01210 through 20-cv-01216) and in E.D. Tex. (No. 4:20-cv-991-ALM)

Hi Phil,

We have discussed with the client and are generally fine with TSMC's proposal with a few tweaks:

1. TSMC Ltd. ("TSMC") to produce, in good faith, at least ~25% of all non-privileged and responsive documents on or before 1/21/22 followed by a rolling production per our discussion yesterday.
2. All production by TSMC must be completed by no later than 2/11/22 (taking into account of Chinese New Year).
3. TSMC to provide a corporate witness for deposition on or before 2/25 (which can be remote if requested).
4. Contingent on TSMC's acceptance to (1)-(3), Ocean will withdraw the TSMC NA subpoena.

As a good faith gesture, Ocean's proposal offers ~7 extra weeks (beyond the noticed date) for TSMC to complete all relevant production. That said, because there are key party deadlines in both WDTX and EDTX proceedings that Ocean must abide by, Ocean will not be able to agree to extend any of these dates further than what we have proposed above. I hope you find Ocean's proposal

reasonable.

We look forward to hearing back from you on our counter proposal.

Thanks much,
Alex

From: "Sheng, Philip T." <philip.sheng@davispolk.com>
Date: Thursday, December 23, 2021 at 7:59 AM
To: Henrik Parker <hparker@devlinlawfirm.com>
Cc: oceansemi-dlf <oceansemi-dlf@devlinlawfirm.com>, Timothy Devlin <tdevlin@devlinlawfirm.com>, "dpw.tsmc.ocean" <dpw.tsmc.ocean@davispolk.com>
Subject: RE: Ocean Semiconductor Cases in W.D. Tex. (Nos. 20-cv-01210 through 20-cv-01216) and in E.D. Tex. (No. 4:20-cv-991-ALM)

Hi Rik,

Thank you for the call yesterday. We have conferred with TSMC Ltd and believe the following is reasonable.

- TSMC NA Subpoena: Ocean will agree to withdraw the subpoena to TSMC NA based on our representation that TSMC NA does not have any responsive documents that would be non-duplicative of any responsive documents produced by TSMC Ltd. The withdrawal could be without prejudice if Ocean has concerns regarding our representation.
- TSMC Ltd Subpoena: TSMC Ltd would consent to DPW accepting service of the subpoena under the following conditions: (1) The compliance date in the subpoena is continued, and TSMC Ltd's deadline for serving written objections will be January 21, 2022. (2) TSMC Ltd will make an initial production of documents between January 21, 2022 and January 28, 2022, with the remaining documents to be produced on a rolling basis thereafter.

Please let us know if Ocean is agreeable to the above. Given the upcoming holidays and a need to prepare if motions practice seems likely with respect to TSMC NA, we would appreciate a response by tomorrow.

Best,
Phil

From: Sheng, Philip T.
Sent: Wednesday, December 22, 2021 9:26 AM
To: 'Henrik Parker' <hparker@devlinlawfirm.com>
Cc: oceansemi-dlf <oceansemi-dlf@devlinlawfirm.com>; Timothy Devlin <tdevlin@devlinlawfirm.com>; dpw.tsmc.ocean <dpw.tsmc.ocean@davispolk.com>

Subject: RE: Ocean Semiconductor Cases in W.D. Tex. (Nos. 20-cv-01210 through 20-cv-01216) and in E.D. Tex. (No. 4:20-cv-991-ALM)

Hi Rik,

Thanks for your email. I just sent you a meeting invite for 4pm CST. Please feel free to forward to anyone on your team who might be joining the call as well. Talk to you later today.

Best,
Phil

From: Henrik Parker <hparker@devlinlawfirm.com>
Sent: Wednesday, December 22, 2021 8:17 AM
To: Sheng, Philip T. <philip.sheng@davispolk.com>
Cc: oceansemi-dlf <oceansemi-dlf@devlinlawfirm.com>; Timothy Devlin <tdevlin@devlinlawfirm.com>; dpw.tsmc.ocean <dpw.tsmc.ocean@davispolk.com>
Subject: RE: Ocean Semiconductor Cases in W.D. Tex. (Nos. 20-cv-01210 through 20-cv-01216) and in E.D. Tex. (No. 4:20-cv-991-ALM)

Sorry, Phil. I lost track of your email in yesterday's shuffle.
Today, we could do a call in 45 minutes (11 a.m. CST) or at 11:30 a.m. CST or 4 p.m. CST.
Tomorrow, we can do any time before 1 p.m. CST.
Let us know what works for you.
Thanks.

Rik



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From: Sheng, Philip T. <philip.sheng@davispolk.com>
Sent: Tuesday, December 21, 2021 9:41 AM
To: Henrik Parker <hparker@devlinlawfirm.com>
Cc: oceansemi-dlf <oceansemi-dlf@devlinlawfirm.com>; Timothy Devlin <tdevlin@devlinlawfirm.com>; dpw.tsmc.ocean <dpw.tsmc.ocean@davispolk.com>

Subject: RE: Ocean Semiconductor Cases in W.D. Tex. (Nos. 20-cv-01210 through 20-cv-01216) and in E.D. Tex. (No. 4:20-cv-991-ALM)

Hi Rik,

Can we jump on the phone to discuss? Please provide some windows of time you are available today or tomorrow, and we can circulate a meeting invite.

Best,
Phil

From: Henrik Parker <hparker@devlinlawfirm.com>
Sent: Thursday, December 16, 2021 2:49 PM
To: Sheng, Philip T. <philip.sheng@davispolk.com>
Cc: oceansemi-dlf <oceansemi-dlf@devlinlawfirm.com>; Timothy Devlin <tdevlin@devlinlawfirm.com>; dpw.tsmc.ocean <dpw.tsmc.ocean@davispolk.com>; Billie Chen <billie_chen@tsmc.com>; Joe Liu <joe@jcliucompany.com>
Subject: Ocean Semiconductor Cases in W.D. Tex. (Nos. 20-cv-01210 through 20-cv-01216) and in E.D. Tex. (No. 4:20-cv-991-ALM)

Counsel:

As counsel for TSMC, will you accept service of the attached subpoenas for TSMC and its subsidiary TSMC N.A.?

Note that our process server has served, or is in the process of serving, the subpoenas on these entities directly.

Best regards,
Rik



Henrik Parker

1526 Gilpin Ave, Wilmington, DE 19806

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